FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.3893 OF 2004
IN
FIRST APPEAL STAMP NO.43173 OF 2001
IN
C.C.NO.251/ML OF 2000

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

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Coram : S.B.Mhase &
R.S.Mohite,JJ

Date : 1.11.2004.

PC

. Heard Mr.Walawalkar. He states that all office objections for which the matter was dismissed by the Additional Registrar on 17.4.2003 have been removed. Therefore, he submitted that the Appeal may be restored. The learned Advocate for original respondent nos.3 to 8 has no objection for restoring the matter. Mrs.Nichani who appears for respondent nos.1 & 2 has strongly opposed for restoration of the matter on the

ground that this application has been filed after a period of more than one year, after dismissal of appeal by the Additional Registrar. What we find is that since it is an appeal by Corporation and on failure to remove the office objections, it has been rejected, we are aware that the Corporation's officers are required. It is a public body. Therefore, we find it appropriate to set aside the order of the Additional Registrar especially in view of the fact that the office objections have been removed now and further to give a substantive opportunity to contest the matter.

2. Therefore, we allow the Civil application. The order dated 17.4.2003 passed by the Additional Registrar dismissing the appeal is hereby set aside and the appeal is restored to file.

(R.S.Mohite,J) (S.B.Mhase,J)

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PC

. This is a Civil application for condonation of delay of 21 days in filing the appeal. It has been explained that the delay has been caused because of the overload of the work on the Managing clerk and Legal department inadvertently and bonafidely could not keep track in the proceedings and claimed

that it was administrative delay. In the interest of justice, we condone the delay.

. Civil application is allowed accordingly.

(R.S.Mohite,J) **(S.B.Mhase,J)**

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

FIRST APPEAL NO.690 OF 2003
WITH
FIRST APPEAL NO.691 OF 2003
WITH
FIRST APPEAL NO.693 OF 2003

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

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Coram : S.B.Mhase &
R.S.Mohite,JJ

Date : 1.11.2004.

PC

1. This matter was heard atleast for an hour. It is revealed that the record has not yet come. The learned Advocate Mr.Nitin Pradhan submitted that he will prepare a paper book.

2. In view of these circumstances, it may be appropriate to dispose of the matter at admission stage by final Judgment and therefore in

order to give an opportunity to both sides, matter is adjourned after vacation.

(R.S.Mohite,J) **(S.B.Mhase,J)**